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Date of Signature and Deposit: July 1, 2005

John D. Franzini, Reg. No. 31,356

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bevan E. Grueneberg
Application No.: 10/623,752
Filed: July 21, 2003
For: COLLAPSIBLE SHELF UNIT
Group Art Unit: 3637
Examiner: Jose V. Chen
Confirmation No.: 4863
Att'y. Docket: 650005.93944

RESPONSE A

MS Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please enter into the record of the above application the following amendment:

1. Pages 2-4 contain a set of the pending claims, with amendments made herein to claim 1.
2. Page 5 contains an amendment to the Specification.
3. Page 6 contains remarks.

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Group Art Unit: 3637

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REMARKS

A terminal disclaimer is enclosed to overcome the double patenting rejection.

Claim 1 is being amended to eliminate unnecessary limitations and better define the invention.

The specification is being amended to better summarize the invention.

It is respectfully submitted that none of the prior art of record discloses or suggests a collapsible shelf unit as claimed and that therefore claims 1-14 as amended should be allowed.

Please charge the terminal disclaimer fee, and any other fees that may be due, to deposit account no. 17-0055.

Respectfully submitted,
BEVAN E. GRUENEBERG



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TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENTDoctet Number (Optional)
850005.93944

In re Application of: Bevan E. Grueneberg

Application No.: 10/623,752

Filed: 07/21/2003

For: COLLAPSIBLE SHELF UNIT

The owner*, Memphis Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,612,669 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 31,356.

Signature

7/1/2005

Date

John D. Franzini
Typed or printed name

414-377-5747
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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